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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY VASQUEZ, JR.,

Defendant and Appellant.

F057127

(Super. Ct. No. F08905856)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Fresno County. Don Penner, Judge.

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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\* Before Levy, Acting P.J., Cornell, J., and Kane, J.

On September 19, 2008, appellant Larry Vasquez, pursuant to a plea agreement, pled no contest to possession of a controlled substance (Health & Saf. Code, § 11377, subd. (a)). Terms of the plea agreement included that appellant would be placed on probation and that the conditions of probation would include the following: he would serve 365 days in the custody of the Fresno County Sheriff (Sheriff), but he would be released on or after November 25, 2008, to enter and complete an in-patient treatment program of at least a six-month duration.

On November 7, 2008, the court suspended imposition of judgment for three years and placed appellant on probation for that period. Conditions of probation included that he serve 365 days in the custody of the Sheriff, but he could be released, in the event space became available, on or after November 25, 2008, to complete a six-month in-patient treatment program at Poverello House.

On January 23, 2009, appellant admitted an allegation that he violated his probation by willfully leaving Poverello House. The court revoked and immediately reinstated probation, and again ordered that appellant serve 365 days in the custody of the sheriff, with the proviso that appellant be released to the West Care in-patient treatment program if space became available in that program.

On February 19, 2009, appellant filed a timely notice of appeal of “the order or judgment entered on ... 1-20-2009.” (*Sic.*)

Appellant’s appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Appellant has not responded to this court’s invitation to submit additional briefing.

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

The judgment is affirmed.